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AND
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—LLP—
L A W Y E R S

E-Filed on 4/24/09

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5   Attorneys for USACM Liquidating Trust

6   **UNITED STATES BANKRUPTCY COURT**

7   **DISTRICT OF NEVADA**

8   In re: Case No. BK-S-06-10725-LBR
                                                     Case No. BK-S-06-10726-LBR[1]
9   USA COMMERCIAL MORTGAGE   Case No. BK-S-06-10727-LBR
     COMPANY,   Case No. BK-S-06-10728-LBR[2]
10   Case No. BK-S-06-10729-LBR[3]
     USA CAPITAL REALTY ADVISORS, LLC,[1]
11   CHAPTER 11
     USA CAPITAL DIVERSIFIED TRUST DEED
12   FUND, LLC,   Jointly Administered Under Case No. BK-S-
                                                      06-10725 LBR
13   USA CAPITAL FIRST TRUST DEED FUND,
     LLC,[2]   **NOTICE OF HEARING REGARDING
14   OBJECTION OF USACM TRUST TO
     USA SECURITIES, LLC,[3]   PROOF OF CLAIM OF SALVATORE J.
15   Debtors.   REALE; AND CERTIFICATE OF
                                                      SERVICE**

16   **Affects:**
     ☐ All Debtors   Hearing Date: June 12, 2009
17   ☒ USA Commercial Mortgage Company   Hearing Time: 9:30 a.m.
     ☐ USA Capital Realty Advisors, LLC
18   ☐ USA Capital Diversified Trust Deed Fund, LLC
     ☐ USA Capital First Trust Deed Fund, LLC
19   ☐ USA Securities, LLC

20   **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM

21   THAT <u>YOU</u> FILED. The USACM Trust seeks to disallow your claim.**

22   **<u>PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY</u>**

23   **<u>COURT TO DISCUSS THE MERITS OF YOUR CLAIM.</u> QUESTIONS**

24

25   [1] This bankruptcy case was closed on September 23, 2008.

26   [2] This bankruptcy case was closed on October 12, 2007.

     [3] This bankruptcy case was closed on December 21, 2007.

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REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM

SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP

CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and

through its counsel, has filed an Objection of USACM Trust to Proof of Claim of

Salvatore J. Reale (with Certificate of Service) (the "Objection"). The USACM Trust

respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the

United States Code (the "Bankruptcy Code") disallowing your claim against USACM.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held

before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal

Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on

June 12, 2009, at the hour of 9:30 a.m.

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 12,

2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND

SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE

HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed

by **June 5, 2009,** pursuant to Local Rule 3007(b), which states:

> If an objection to a claim is opposed, a written response must
> be filed and served on the objecting party at least 5 business
> days before the scheduled hearing. A response is deemed
> sufficient if it states that written documentation in support of
> the proof of claim has already been provided to the objecting
> party and that the documentation will be provided at any
> evidentiary hearing or trial on that matter.

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> If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.
>
> If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:
>
> - The Court may *refuse to allow you to speak* at the scheduled hearing; and
> - The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: April 24, 2009.

11

12   **LEWIS AND ROCA LLP**

13   By: /s/ John Hinderaker (AZ# 18024)
                                                                 Rob Charles, NV 6593
14   John Hinderaker, AZ 18024
                                                            3993 Howard Hughes Parkway, Suite 600
15   Las Vegas, Nevada 89169-5996
                                                            Facsimile (702) 949-8321
16   Telephone (702) 949-8320
                                                            Counsel for USACM Liquidating Trust
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L A W Y E R S

1   Copy of the foregoing mailed by first class
    Postage prepaid U.S. mail
2   On April 24, 2009 to:

3
    Salvatore J. Reale
4   421 Indigo Springs
    Henderson, Nevada 89014
5

6   /s/ Carrie Lawrence
    Carrie Lawrence

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